

CITY OF SUNNYVALE REPORT Planning Commission

August 8, 2005

SUBJECT: 2005-0609 - Sunbro Builders [Applicant] Anders Olsen

Field Jr. [Owner]: Application for related proposals on a 22,213 square-foot site located at **926 South Wolfe Road** in

an R-0 (Low-Density Residential) Zoning District.

Resolution General Plan Amendment low density residential to low-

medium density residential.

Introduction of Rezone from R-0 (Low-Density Residential) to R-1.5 (Low-

an Ordinance Medium Density Residential) Zoning District.

Motion **Design Review** for allow four new single-family homes, and

Motion Parcel Map to subdivide one lot into four lots.

REPORT IN BRIEF

North

Existing Site Single family home with accessory structures **Conditions**

Single family residential

Surrounding Land Uses

South Single family residential

East Single family residential

West Medium density residential across Wolfe Road

(townhomes and apartments)

Single family at Wolfe Road and Gary Ave

Issues Architectural neighborhood compatibility

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Environmental A Mitigated Negative Declaration has been prepared Status in compliance with California Environmental Quality

Act provisions and City Guidelines.

Staff Approve with conditions

Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Low Density	Low-Medium Density	Low Medium Density
			(requested)
Zoning District	R-0	R 1.5	R-0
	22,463	Lot #1 – 5,761	4,200 min.
Lot Size (s.f.)		Lot #2 – 5,530	
Lot Size (s.i.)		Lot #3 – 5,619	
		Lot #4 – 5,553	
	Approx. 3,700	2,763 per lot with	2,488 max.
Gross Floor Area		garage	without PC review
(s.f.)			2,765 max. per 50% FAR
	Approx. 16%	Lot #1 - 32%	40% max.
Lot Coverage (%)		Lot #2 - 33%	
Lot Coverage (78)		Lot #3 - 32%	
		Lot #4 - 33%	
	Approx. 16%	Lot #1 – 48%	45% max. without
Floor Area Ratio		Lot #2 – 50%	PC review
(FAR)		Lot #3 – 49%	And 50% max. for R-1.5
		Lot #4 - 50%	
No. of Units	3	4	3 max. per current zoning
Meets 75% min?	N/A	4	4 min.
Bedrooms/Unit	Unknown	4	
	Approx. 1,600	2,763	N/A
Unit Sizes (s.f.)	675		
	1,375		
Building Height (ft.)	Unknown	26' 3"	30 max.
No. of Stories	1	2	2 max.

Front	0.51	20	- 20 :
Front	85	20	20 min.
	33 main structure.	6 min./7 min.	4 min./7 min.
Left Side	Second structure is less than 3 ft. from left side		
Right Side	10	6 min./7 min.	4 min./7 min.
Rear	Third structure is 3 -ft. from Mangrove Ave.	29-36	20 min.
Landscaping (sq. ft.)			
Total Landscaping	There is no decorative landscaping on site except for existing trees.	N/A	N/A
Parking			<u></u>
Total Spaces	2 minimum in	2 covered	2 covered
	circular driveway.	2 driveway	2 driveway
	driveway.	per unit	per unit
Stormwater			
Impervious Surface Area (s.f.)	Approx. 3,700	8,904	Group 2 > 10,000 s.f. not applicable
Impervious Surface (%)	16%	39%	.

ANALYSIS

Description of Proposed Project

The applicant proposes to demolish an existing single family home and duplex with accessory structures on a 22,463 s.f. lot and construct four new two-story single-family dwelling units with an average lot size of 5,615 s.f. The application includes a request to amend the General Plan from Low Density Residential (up to 7 units per acre) to Low-Medium Density Residential (up to 12 units per acre). The application also includes a rezoning from R-0 Zoning District (6,000 s.f. min lot size) to R-1.5 Zoning District (4,200 s.f. min. lot size). Design review is required for the architecture of the 4 single family

Revised 8/4/2005

homes. The applicant is not requesting any variances or deviations from the requested zoning district standards; therefore no Special Development Permit is requested.

The project site is located at 926 S. Wolfe Road south of the intersection of Wolfe Road with Gary/Primrose Avenues. The lot is a remainder from previous subdivisions and has frontages on both Wolfe Road and Mangrove Avenue. The current R-0 zoning would allow a subdivision of three lots; however, the established lot pattern for the neighborhood would suggest up to four lots. The lot is slightly shy of the required square footage for four lots because of dedication on Wolfe Road that occurred when the surrounding subdivision was created.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decisio n	Date
2004-0397	General Plan	City Council	July 20, 2004
	Amendment Initiation	/Initiated	-

Environmental Review

A Mitigated Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts with implementation of the recommended mitigation measures (Attachment C, Initial Study).

Noise Analysis: An acoustical analysis was prepared for the project by Illingworth and Rodkin, Inc. dated June 16, 2005. The analysis recommends noise attenuating mitigations for the two homes proposed to face S. Wolfe Road. These mitigations can be accommodated during building design and construction... No sound walls are required. Mitigation is included in the conditions of approval.

Historic Analysis: An evaluation of the historic status of the existing structure on site was prepared at the request of Council. The evaluation was completed by Archeological Resource Management dated June 1, 2005. The evaluation found that, although the main structure on site was constructed around 1900, it has been significantly modified over the years and does not maintain historical integrity. The study found that the property in general did not meet local Sunnyvale, State or Federal requirements for historical significance. This project was not reviewed by the Heritage Preservation Commission because the

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structure is not on our list of Heritage Resources. The role of the Heritage Preservation Commission is to review changes to resources on the City's local historic inventory.

General Plan Amendment

Change under Consideration: Low Density Residential to Low Medium Density Residential.

Discussion of General Plan Amendment: The 22,200 s.f. project site currently has a General Plan designation of Low Density Residential. This designation is the same as the surrounding residential neighborhood. The adjacent residential lots were developed in 1962.

The subject lot is currently zoned R-0 and has a single-family home, a duplex and a barn on the site. The site fronts both South Wolfe Road and Mangrove Avenue and is the last remaining parcel of an original 15 acre ranch that dates back to 1850. The original ranch has been parceled off and developed over the last half century. By looking at a map of the area, the original lot pattern for the neighborhood suggests that the project site was meant to accommodate up to four single-family lots of approximately 6,000 square feet.

At this date the site is slightly short (1,800 s.f.) of the 24,000 square feet necessary to divide the site into four lots using R-0 zoning standards. This slightly reduced size is due to a 4,300 s.f. street dedication on Wolfe Road that occurred in 1962 as well as the slight curve of Mangrove Avenue on the second frontage of the site. The applicant is requesting the General Plan land use designation change in order to facilitate a rezoning to the R-1.5 Zoning District that would allow for four lots.

The following General Plan goals, policies and action statements in the Land Use and Transportation Element relate to this proposed General Plan Amendment request:

Policy N1.1

Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

Action Statement N1.1.1

Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Policy N1.2

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Require new development to be compatible with the neighborhood, adjacent land uses and the transportation system.

Action Statement N1.2.1

Integrate new development and redevelopment into existing neighborhoods.

Action Statement N1.2.2

Utilize adopted City design guidelines to achieve compatible architecture and scale for renovation and new development in Sunnyvale's neighborhoods.

A survey of the existing General Plan policies indicates that the primary issue regarding this General Plan Amendment request is the effect the potential amendment and related subsequent zoning district change will have on the development pattern of the existing neighborhood. Based purely on an evaluation of a lot map of the area, it appears that the surrounding lots were developed in an orderly manner to leave a remainder lot that could be subdivided into four lots that fit into the rhythm of the 1960s development of the original ranch. However, due to earlier street dedication and minor irregularity of the adjacent street curve, the remainder lot does not retain adequate square footage to develop under R-0 Zoning District standards as currently zoned.

Rezoning

Change under Consideration: R-0 to R-1.5.

Discussion of Rezoning: The R-1.5 Zoning District is one of several zoning district designations that could be considered for this site. Staff believes that the R 1.5 Zoning District allows for a lot pattern that is consistent with existing neighborhood.

The site, as zoned, could be subdivided into two parcels without the need for any variances or deviations from zoning requirements (e.g. lot size, width). Two lots of 11,100 square feet could each support one single-family home and one accessory living unit.

It is the intention of the owner to rezone the lots to R-1.5. This is one of three zoning districts available under the Low-Medium Residential General Plan designation. The R-1.5 zoning designation allows only single-family homes on lots as small as 4,200 square feet. Applying the R-1.5 standards (including standard street frontage width) would allow four lots on the subject site.

Another compatible zoning designation with a General Plan Low-Medium designation would be R-1.7. This zoning designation also allows only single-family homes, but requires a minimum 2-acre development size which the project site does not meet.

The third available zoning designation is R-2 which is typically a district used for development of townhouses and duplexes, although single-family homes are allowed. The R-2 designation would potentially allow 6 units. A PD combining district with an approved Special Development Permit could have the potential for 6 small single-family homes. In this instance, a PD combining district would most likely be required to use the R-2 Zoning District. There is adequate control by the Planning Commission and City Council to restrict the zoning to R-1.5 (with or without a PD combining district) in order to achieve a lot pattern consistent with the existing neighborhood.

Applying a different zoning designation to the 22,200 square foot lot when it is surrounded by R-0 development begs the question of whether this would be considered spot zoning. Staff has considered that possibility and has determined that the laws addressing spot zoning are in place to avoid egregiously incompatible land uses adjacent to each other such as an office building or an auto repair facility in the middle of a residential area. Spot zoning was also historically used to create windfall profits for favored land owners. There is no prohibition in the California land use laws that prevent the City from using different General Plan designations as tools to create compatible development. Even though, in this case, the General Plan and zoning designation for this infill lot would be different from the surrounding neighborhood, staff does not find this constitutes spot zoning and believes it would be a legally defensible action particularly when the City can institute development controls through concurrent General Plan and rezoning actions.

Design Review

Site Layout: The applicant proposes 4 standard single-family lots. Each site is organized with the house fronting onto the street. All proposed structures would meet required setbacks under the requested R-1.5 Zoning District for both the first and second floors.

Stormwater Management: The project is not subject to stormwater requirements. The applicant has submitted a conceptual stormwater management pan that includes measures to increase stormwater infiltration into the site.

Easements and Undergrounding: There are no boundary lines on the project site. Boundary lines are located on properties adjacent to the north. The

applicant is required by code to underground the service drops to the new project. A condition of approval for this requirement has been included.

The following Guidelines were considered in analysis of the project site design.

Single Family Home Design Techniques	Comments
Respect neighborhood home orientation	The project utilizes the same lot
and setback patterns.	pattern and home orientation as
	surrounding homes. The required
	setbacks are met.

Architecture: The applicant proposes contemporary architecture with stucco exterior finishes and concrete tile roof material that is prevalent for new homes in the City and in new tracts.

The following Guidelines were considered in the analysis of the project architecture.

"Name of Guidelines"	Comments
Accommodate garages in locations	The garages are located in the front
similar to the pattern common in the	of the proposed homes as is common
neighborhood.	in the surrounding neighborhood
Do not locate garages forward of other	The front elevations of the proposed
habitable portions of the house unless	garages are located several feet
that is the predominate pattern in the	behind the living room elevations.
neighborhood.	
Design entries to be in scale and	The entryway features have single
character with the neighborhood.	story roofs that are compatible with
	the predominantly single story
	character of the neighborhood.
The area of the second floor should not	The proposed second floors are 51%
exceed the common standard of the	of the area of the first floor including
neighborhood. For new second stories	the garage. Another two-story home
in predominantly one-story	in the vicinity was approved with a
neighborhoods, the second floor area	second story of approximately 57%.
should not exceed 35% of the first floor	
area (including the garage area)	

Landscaping: There are no landscaping requirements for single-family residential homes. No landscape plan was submitted for this application.

A tree survey was submitted with the application. Ten trees were evaluated. The City Arborist recommends preservation of 2 trees that are considered protected and healthy enough to save. Most of the trees on-site are unhealthy and cannot be saved. The applicant proposes to save the large date palm and

pepper tree that were identified in the applicant's and City's arborists as healthy and of significant size.

Parking/Circulation: The applicant is proposing a lot pattern that is consistent with the surrounding neighborhood. There would be two driveway cuts on Wolfe Road and two on Mangrove Avenue.

The applicant has provided parking per the Municipal Code requirements for single-family homes. There are two garage spaces and two driveway spaces for each unit.

Compliance with Development Standards/Guidelines: The project is in compliance with all development standards for the requested R-1.5 Zoning District. No deviations or variances are requested.

Expected Impact on the Surroundings: The proposed lot pattern for the project is compatible with the lot pattern for the neighborhood. The project will introduce four two-story homes into a predominantly single-story neighborhood. The proposed home meet the Single Family Home Design Guidelines and comply with the established setbacks for the proposed R-1.5 Zoning District. These setbacks are the same for the surrounding R-0 zoning District.

Tentative Map

Description of Tentative Map: The proposed subdivision is for four single family lots. There is no common lot associated with this project. The lot pattern is compatible with the neighborhood pattern. The lot sizes meet the minimum requirement for the requested R-1.5 Zoning District. All proposed lots have street frontage. Conditions of approval associated with the subdivision are located in Attachment B.

Fiscal Impact

There are three existing units on the property. The applicant will be required to pay park dedication fees and transportation impact fees for one unit, otherwise, no fiscal impacts other than normal fees and taxes are expected.

Public Contact

Planning Commission Study Session: The Planning Commission reviewed this project at a study session on July 25, 2005. The Planning Commission commented on various architectural details and the fact that there are no requested deviations. There was also comment from one Commissioner regarding the height and how it related to the "boxiness" of the house form. There were no changes made to the height of the proposed houses.

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
 Published in the Sun newspaper Posted on the site 262 notices mailed to the property owners and residents within 300 ft. of the project site 	 Posted on the City of Sunnyvale's Website Provided at the Reference Section of the City of Sunnyvale's Public Library 	 Posted on the City's official notice bulletin board City of Sunnyvale's Website Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings for the General Plan Amendment, Rezoning and Design Review. Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

Recommend to following actions to the City Council:

- 1. Adopt the Mitigated Negative Declaration and introduce an Ordinance regarding 926 S. Wolfe Road to;
 - a. Amend the General Plan from Low Density Residential to Low Medium Density Residential;
 - b. Rezone from R-0 to R-1.5;
 - c. Approve the Tentative Map and Design Review with attached conditions.

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- 2. Adopt the Mitigated Negative Declaration and introduce an Ordinance regarding 926 S. Wolfe Road to;
 - d. Amend the General Plan from Low Density Residential to Low Medium Density Residential;
 - e. Rezone from R-0 to R-1.5;
 - f. Approve the Tentative Map and Design Review with modified conditions.
- 3. Adopt the Mitigated Negative Declaration and do not introduce an Ordinance for the General Plan Amendment and Rezoning and deny the Tentative Map and Design Review.
- 4. Do not adopt the Mitigated Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1 to the City Council.

Prepared by:

Gerri Caruso Project Planner

Reviewed by:

Andrew Miner Principal Planner

Trudi Ryan

Reviewed by:

Planning Officer

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Attachments:

- A. Recommended Findings
 B. Recommended Conditions of Approval
- C. Mitigated Negative Declaration
- D. Site and Architectural Plans
- E. Map of Neighboring Second-Story FARs F. Draft General Plan Amendment Resolution
- G. Draft Rezoning Ordinance

Recommended Findings - Tentative Map

In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was <u>not</u> able to make any of the following findings and recommends approval of the Tentative Map.

- 1. That the subdivision is not consistent with the General Plan.
- 2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
- 3. That the site is not physically suitable for the proposed type of development.
- 4. That the site is not physically suitable for the proposed density of development.
- 5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- 7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- 8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the findings (B.1-8), and recommends approval of the Tentative Map.

Recommended Findings - Design Review

The proposed project is desirable in that the project's design and architecture conforms with the policies and principles of the Single Family Home Design Techniques.

Basic Design Principle	Comments
2.2.1 Reinforce prevailing neighborhood	The project utilizes the same lot
home orientation and entry patterns	pattern and home orientation as
	surrounding homes. The required
	setbacks are met.
2.2.2 Respect the scale, bulk and	Buildings in the vicinity are a mix of
character of homes in the adjacent	one and two-story homes as well as
neighborhood.	apartments and townhomes.
2.2.3 Design homes to respect their	The proposed homes meet all required
immediate neighbors	setbacks, including second story setbacks, with no requests for
	deviations. The properties to the north
	have adjacent rear yards.
2.2.4 Minimize the visual impacts of	The garage facades are recessed from
parking.	the front façade of the living areas of
parrang.	the proposed houses.
2.2.5 Respect the predominant	There is no landscape requirement for
materials and character of front yard	single family homes; however the
landscaping.	proposed pattern of
	garage/driveway/frontyard is typical
	for a single family home in the
	neighborhood.
2.2.6 Use high quality materials and	The project uses high quality
craftsmanship	materials with stucco siding and tile
	roof material. A condition of approval
	eliminates the potential use of foam
0.077	exterior details.
2.2.7 Preserve mature landscaping	Mature healthy trees on-site are
	proposed to be retained.

Recommended Conditions of Approval

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Design Review shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

A. Obtain necessary permits from the Department of Public Works for all proposed off-site improvements.

3. ENVIRONMENTAL MITIGATION MEASURES

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the following mitigation measures are incorporated into the project to minimize the identified potential environmental impacts:
 - a. Windows and sliding doors in the facades facing South Wolfe Road and perpendicular to it shall have a minimum sound transmission class (STC) rating of 28 or higher.
 - b. Entry doors shall be fully weather-stripped.

- c. The residences facing South Wolfe Road shall include forced air mechanical ventilation, satisfactory to the local building official, so that occupants may keep their windows closed at their discretion to control traffic noise.
- B. Final construction drawings shall incorporate all noise mitigation measures as set forth under "Mitigation Measures."
- C. Final plans shall bear the noise consultant's signature.
- D. Acoustical tests shall be performed by the developer to demonstrate that an interior Ldn scale (day and night average noise level) of 45 dBA is met on the finished units. Such test results shall be furnished to the Director of Community Development prior to occupancy of the units.

4. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The modified plans shall include an additional plan for a front elevation design in order to have two different elevations on each street frontage. Plans shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit.
- B. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
- C. Roof material shall be 50-year dimensional composition shingle, or as approved by the Director of Community Development.

5. FEES

A. Pay Traffic Impact fee estimated at \$1,805.03, prior to issuance of a Building Permit. (SMC 3.50)

6. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Such fences may extend along side property lines, but do not extend beyond the front line of the main building on each lot.
- C. Any side yard fence between the building and the public right-of-way shall not exceed three feet in height.
- D. Chain link and barbed wire fences are not allowed in residential areas.
- E. Install and maintain a 6 foot solid wood fence measured from the highest adjoining grade, of a design approved by the Director of

- Community Development along the property lines. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.
- F. Only fences, hedges and shrubs or other natural objects 3 feet or less in height may be located within a "vision triangle". SMC 12.040(16), SMC 19.12.050 (12))

7. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 - 2. All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

8. UNDERGROUND UTILITIES

- A. All proposed utility service drops shall be undergrounded.
- B. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.

9. MISCELLANEOUS

A. Prior to commencement of new construction remove all debris, structures, area light poles, and paving from the site.

10. TENTATIVE MAP CONDITIONS

- A. Full development fees shall be paid for each project parcel or lot shown on Parcel Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- B. Comply with all applicable code requirements as noted in the Standard Development Requirements.
- C. Pay Park In-lieu fees estimated at \$7,486.88, prior to approval of the Final Map or Parcel Map. (SMC 18.10)
- D. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department.
- E. Refuse, recycling, and yardwaste carts are designed to be set on street pavement. If the curb space on Wolfe Road or Mangrove Avenue is in a travel aisle, set-out areas must be designated on sidewalk or property.
- F. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.